

Applicant: Marcus AMBERSON et al.
Serial No. 2-12,411
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REMARKS

Claims 1-17 were pending in this application. Claim 1-3, 6, 10, 11, 14, 16 and 17 have been amended and new claims 18 and 19 have been added. Accordingly, claims 1-17 are presently being examined.

Applicants herewith have amended claims 1, 13, 16, and 17 to more clearly recite that: (1) within the sequence of images captured according to the present invention, each image of a subset of the images includes at least a portion of a bar code; (2) edges detected in each of these images are used to determine possible displacements of each image relative to another image in the subset; (3) the most probable sequence of displacements for each image relative to at least one other image in the subset is determined; and (4) from the most probable sequence of displacements and the sequence of images, bar code data is reconstructed. Support for these amendments can be found, *inter alia*, from page 12, line 17 to page 15, line 32, from page 17, line 17 to page 18, line 2, and in Figs. 8a-8c, 8a-6d and 8a-8b of the subject specification.

Also, to provide correct antecedent bases, claim 1 has been amended to recite "each" image instead of "the" image; claim 3 has been amended to recite "a first" image; claim 4 has been amended to recite "a first" and "a second image pair" instead of "the first" and "the second image pair"; and claim 11 has been amended to recite "a last image" instead of "the last image". Support for these amendments can be found, *inter alia*, in the claims themselves and the claims in which these claims appear.

In addition, new claims 18 and 19 have been added to recite

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Also, claim 16 has been amended to be in independent form by including all the limitations of the claims by which claim 10 directly or indirectly depends.

Sections 1 and 2 of the Office Action referred claims 1-3, 5-9, 11-13, and 15-16 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 2,777,474, hereinafter referred to as "He patent".

More specifically, the Office Action reiterated the reasons for rejection set forth in Section 5 of the previous Office Action, but also added that in contrast to the applicants' arguments in the previous Amendment, that the He patent: (1) captures a sequence of two-dimensional images, such as a bar code; (2) detects bar code edges; (3) determines the probable code sequence based on the relationships among transitions; and (4) decodes the indicia based on the such information. The Office Action also states that "bar code edges" without further limitation, would be reasonably interpreted by one ordinary skill in the art as black bars, spaces and transition, not a starting point or stopping point of the code. Accordingly, the Office Action concludes that the He patent discloses each element recited in the independent claims 1, 13, 16, and 17.

Applicants respectfully submit that unlike the He patent, the subject invention teaches that each image is a sequence of images must be put together and interpreted as a whole to determine the bar code sequence. Applicants submit that the He patent can be interpreted, under the independent claims, that is, claims 1, 13, 16, and 17, as being limited to the implied this putting together of the sequence of the bar code, for example, "displacements in relation to the view", applicants hereinabove have amended the independent claims to more clearly and

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with respect to the manner are determined from the detected edges so that the sequence of these images can be used to reconstruct the bar code data.

In contrast, while the He patent may capture a "sequence of two-dimensional images" of entire bar codes, such capture is not in the manner taught by the subject invention. Indeed, the He patent is silent on how any particular entire bar code image is captured, see from column 3, line 37 to column 4, line 16 of the He patent. All that the He patent teaches is that the entire bar code is acquired by a CCD reader and then the interpretation of the captured image begins. Thus, applicants respectfully submit that the He patent fails to teach or suggest reconstruction of bar code data from a sequence of two-dimensional images in which each image of a subset of the sequence includes only a portion of the bar code, the edges of each portion of the bar code determined in each image for the reconstruction, and therefore, the He patent does not anticipate the subject invention as recited in each of amended independent claims 1, 14, 16, and 17 for at least this reason.

Furthermore, applicants respectfully submit that U.S. Patent No. 6,267,293 to Dwinell et al. ("Dwinell patent") and U.S. Patent No. 5,658,805 to Flesk ("Flesk patent"), which are cited in Office Action to reject dependent claims 4 and 14 (see below), do not anticipate or suggest the subject invention as recited in the amended independent claims. Although the Dwinell patent recites an "array" of "sweeps" to obtain a bar code from a sequence of "sweeps or sweeps", the sweeps are one-dimensional, see for example, Fig. 4A of the Dwinell patent. In contrast, the images taught by the subject invention and recited in the amended independent claims are two-dimensional, and are not

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applicants respectfully submit the He patent alone, or in combination with the other art cited in the Office Action, would not lead one of ordinary skill in the art to achieve the subject invention as recited in the independent claims for at least these reasons.

Claims 2-4, 8-9, 11, 12, and 15 depend, either directly or indirectly, on one of the amended independent claims. Accordingly, because a claim which depends on another claim is subject to all the limitations of that other claim, applicants respectfully submit that claims 2-4, 8-9, 11, 12 and 15 are not anticipated by the He Patent for at least the same reasons discussed above with respect to the amended independent claims.

In view of the remarks above, applicants respectfully request that the rejection of claims 1-4, 8-9, 11-13 and 15-17 as being anticipated by the He Patent be reconsidered and withdrawn.

Sections 3, 4, and 7 of the Office Action rejected under 35 U.S.C. §103(a): (1) claim 4 (Section 3) as being unpatentable over the He Patent in view of the Dwinell patent; and (2) claim 14 (Section 4) under 35 U.S.C. §103(a) as being unpatentable over the He Patent in view of the Fleske patent.

More specifically, the Office Action reiterated the reasons for the rejections of these claims set forth in Sections 6 and 7, respectively, of the previous Office Action, and also stated that these claims are not patentable over the Dwinell patent in the art can anticipate the subject invention claimed in the He patent from these references. Applicants submit that the subject matter recited in claims 4 and 14.

Applicants respectfully submit that as discussed more fully above with respect to Section 3 of the Office Action, that

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subset of the respective images may appear in the final code, the edges of each picture in the final code being determined in each image for the reconstruction of the picture by the subject invention and recited in amended independent claims 1 and 13, among which claims 4 and 14 directly or indirectly depend.

Since a claim which depends on another claim is subject to all the limitations of the other claim, applicants respectfully submit that claims 4 and 14 are not unpatentable over the He patent in view of the Iwinell patent or the Plesko patent, whether taken alone or in combination, or at least the same reasons discussed above with respect to amended independent claims 1 and 13.

In view of the remarks above, applicants respectfully request that the rejection of claim 4 as being unpatentable over the He patent in view of the Iwinell patent, and the rejection of claim 14 as being unpatentable over the He patent in view of the Plesko patent, be reconsidered and withdrawn.

Sections 5 and 6 of the Office Action objected to claim 10 as being dependent upon a rejected base claim, but stated that claim 10 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claim.

Applicants hereinabove have amended claim 10 to include all the limitations of claims 1 and 9, upon which claim 10 directly or indirectly depends. Accordingly, applicants respectfully submit that, as amended, the subject matter of claim 10 is allowable.

In view of the amendment of claim 10 and the remarks above, applicants respectfully request that the rejection of claim 10 as being unpatentable over the He patent be reconsidered and withdrawn.

No fees, other than the fee for an additional independent claim, are deemed necessary in connection with the filing of this Amendment. However, if any such fees are required, authorization is hereby given to charge the amount of any such fees to Deposit Account No. 00-1111.

Leah Stein

1. Deputy Attorney General Robert F. Kennedy
 requested this information from the FBI on
 January 11, 1964. The information was furnished
 to him by the FBI on January 12, 1964.
 2. The FBI is not aware of any other
 information concerning the above named
 individuals.

Richard B. Miller 23 June 2003